

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Apr 29, 2019

Eastern District of Washington

SEAN F. MCAVOY, CLERK

Report on Offender Under Supervision
(No Action Requested)

Name of Offender: Theodore Henry Adolph Case Number: 0980 2:14CR00136-WFN-1

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: March 2, 2015 Type of Supervision: Supervised Release

Original Offense: Failure to Register, 18 U.S.C. § 2250(a) Date Supervision Commenced: January 10, 2018

Original Sentence: Prison - 27 Months; Date Supervision Expires: January 9, 2023
TSR - 60 Months

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 18:** You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other forms that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter nor frequent any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, and credit cards.

Supporting Evidence: Mr. Adolph is alleged to have violated special condition number 18 by potentially having viewed pornographic material on his cell phone occurring on or about April 6, 2019, based on the report received from the client's installed monitoring software.

On February 27, 2018, a modification was sought in this case, with the client's approval, requesting a condition be added allowing for the installation of computer software on the client's cellular device to allow for monitoring of the client's Internet usage. This request was granted by the Court on February 27, 2018.

Specifically, on April 9, 2019, the undersigned officer received and reviewed the client's weekly Internet usage report and observed that the report indicated a visit to the website Evilangel.com on April 6, 2019. This website is classified by the monitoring software as being highly mature in nature and is advertised as featuring "hardcore anal porn and gonzo sex videos." The undersigned officer did review the website in question and observed that upon verifying ones age on a landing page, any visitor would immediately thereafter have

access to numerous videos considered as being pornographic in nature. It should be noted due to the inherent limitations of the monitoring software, the undersigned officer was unable to determine if the client proceeded beyond the initial landing page.

U.S. Probation Officer Action:

On April 9, 2019, Mr. Adolph reported as directed to allow for the undersigned officer to address the aforementioned concern. Mr. Adolph admitted to searching for a song titled Evil Angels and advised he believes that he accidentally searched for the song directly in his address bar, which he believes then caused him to be unintentionally directed to the website in question. Mr. Adolph did advise that his software immediately restricted his access to the website and as a result, he never viewed the website in question stating he was confused as to why the software's blocker had activated in response to his search for the song. It should be noted, the undersigned officer did attempt to view the website in question using the client's cellular device, and was also immediately blocked by the software installed on the client's phone. It should also be noted that the undersigned officer was unable to replicate the client's alleged actions he stated caused him to arrive at the website in question. Further and of additional concern, the undersigned officer was unable to locate on the client's cell phone his previous visit to the website in question using his browsing history, a technique which would have conclusively verified if his phone had blocked the client's attempt to view the website on the day in question.

Mr. Adolph was scheduled for a cause polygraph test as a result of the circumstances as alleged herein, and on April 19, 2019, the undersigned officer received the results of the test in which it was the provider's professional opinion the client was being honest in his denial of viewing pornographic content and deleting any content from the device. The concern, as alleged herein, was additionally addressed with his sex offender treatment provider and the undersigned officer again used the opportunity to advise the client he must remain proactive with respect to his Internet use, remaining vigilant at all times when using the device.

Mr. Adolph was reminded he still has a status hearing set for July 24, 2019, at his request and in an effort to provide the client with additional accountability and structure after the client's previous admission to viewing Internet pornography in June 2018. Mr. Adolph's current goals, his progress on supervised release, and the correlation that must exist between them and his actions were discussed with him at length and he again reaffirmed his intent to maintain his current and continued sobriety through a combination of afforded treatment, support groups, family support, and Court accountability. Mr. Adolph otherwise remains compliant with afforded treatment services and has been scheduled for an additional maintenance polygraph in October 2019.

It is hoped the intermediate sanction imposed meets the expectations of the Court. Please advise the undersigned officer if Your Honor requires a different course of action or a Court appearance by the offender.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On:

April 25, 2019

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

Date: April 25, 2019

- Court Concurs with Officer Action
- Submit a Request for Modifying the Condition or Term of Supervision
- Submit a Request for Warrant or Summons
- Other



Signature of Judicial Officer

4/29/19

Date